IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.62800-M of 2006
Date of Decision : October 13, 2006

Narinder Singh.

.....PETITIONER(S)

VERSUS

Income Tax Officer, District V(2), Aayakar Bhawan, Rishi Nagar, Ludhiana.

.....RESPONDENT(S)

. . .

CORAM:- HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT:- Mr. Sunil Chadha, Advocate, for the petitioner.

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AJAI LAMBA, J. (Oral)

This is a petition under Section 482 Cr.P.C. for setting aside Order dated 18.8.2006 passed by the Additional Sessions Judge, Ludhiana whereby, order dated 12.1.2005 passed by the Additional Chief Judicial Magistrate, Ludhiana, closing the pre-charge evidence by order of Court has been set aside.

It is pleaded that the order itself was interlocutory in nature and the petitioner is facing proceedings since 1984. The petitioner is 74 years of age and even in accordance with the directions of the Income Tax Department, a person over 70 years of age should not be prosecuted.

I have considered the arguments raised by the learned

counsel and gone through the impugned order. Para 10 of the order shows that much of the delay was caused for the presence of the accused. The Court has relied on judgments of the Hon'ble Supreme Court of India in Rajendra Kumar Sitaram Pande and others Versus Uttam and another, 1999 Criminal Law Journal 1620 and Madhu Limaye Versus State of Maharashtra, (1978) 1 SCR 749 to conclude that the nature of order is such that the petition is maintainable. There are other accused including the partnership concern and therefore, argument to the effect that the petitioner is 74 years of age and only accused facing trial cannot be accepted.

I find the order to be well reasoned and legal. No ground for interference is made out considering the facts and circumstances of this case.

Dismissed.

In view of the delay already caused, it is directed that the Trial Court shall conclude the proceedings, preferably within four months of the receipt of a copy of this order.

(AJAI LAMBA)
JUDGE

OCTOBER 13, 2006
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